

Sanpete County Planning Commission Meeting

February 13, 2013, 6:30 P.M.

Sanpete County Courthouse, 160 North Main, Room 101, Manti, Utah

Present are: Planning Commission Chair Thell Stewart, Gene Jacobson, Mary Anderson, Leon Day, Joe Nielsen, Paul Rasmussen, Nathan Palmer, Curtis Ludvigson, Alternate, Sanpete County Commissioner Steve Frischknecht, Sanpete County Zoning Administrator Scott Olsen and Sanpete County Deputy Clerk Gayelene Henrikson.

Meeting is called to order by Chair Thell Stewart.

SHAYDON HERMANSEN: REQUESTS APPROVAL OF A ZONE CHANGE OF HIS PROPERTY FROM A (AGRICULTURAL) ZONE TO BC (BUSINESS/COMMERCIAL) ZONE. LOCATED 1½ MILES EAST OF GUNNISON IN THE A ZONE WITH 7.7 ACRES ON S 10149X. THE PROPERTY WILL BE USED FOR A COMMERCIAL FERTILIZER AND AGRICULTURAL SUPPLY BUSINESS.

Shaydon , Mallory, and Scott Hermansen are present. Mr. Olsen reminded the commission that these two agenda items were tabled from January because of publication errors. Property is located east of Gunnison in the A zone. Mr. Hermansen applied for a building permit and zone change concurrently. The parties want an agricultural supply retail business, not a business just supplying fertilizer. The ordinance requires an agricultural supply retail business to be in the Business/Commercial (BC) zone. Discussed the layout of the land and who would be affected by the business. Mr. Stewart and Mr. Jacobson expressed concern about spot zoning. The planning commission should be cautious in approving zone changes and what kind of activity we allow. They should look at the impact the change will have for future developments in the area they are changing. Motion is made by Joe Nielson to approve a zone change of S 10149x from A Zone to BC Zone. Motion is seconded by Leon Day. Motion passes.

SHAYDON HERMANSEN: REQUESTS APPROVAL OF A 1-LOT MINOR SUBDIVISION. LOCATED 1 1/2 MILES EAST OF GUNNISON IN THE NEWLY CREATED BC ZONE WITH 7.7 ACRES ON S 10149X. SUBDIVISION IS FOR A COMMERCIAL FERTILIZER AND AGRICULTURAL SUPPLY BUSINESS.

Shaydon, Mallory, and Scott Hermansen are present. From the community: Jay and Jan Yardley, David Madsen and Kevin Sorensen are present. All paperwork is approved. Mylar is provided. The building is being built under the Agricultural zone. However, it's in compliance with BC zone. Discussion ensued about what kind of supplies will be sold. Utilities are discussed. They have an easement and approved access from Highway 137 and are working on getting a quit claim from the railroad for an access from Railroad Road. Mr. Madsen commented that he was all for the change. In his opinion, the building is a great one and the business will be great for the community. Mr. Yardley seconded what Mr. Madsen expressed. Mr. Day expressed concern with approving the subdivision where the zone change hadn't been officially approved by the County Commissioners at their public hearing. Motion is made by Mary Anderson to approve a 1-lot minor subdivision on S 10149x for a commercial fertilizer and agricultural supply business in the newly created BC Zone. Motion is seconded by Leon Day. Motion passes.

JIM AND ELIZABETH NOORLANDER: REQUESTS APPROVAL OF A LOT LINE ADJUSTMENT ON THEIR LOTS BETWEEN THE SOUTH ½ LOT #7 AND LOT #8. LOCATED ON S 24506X AND S 24507 OF THE FAIRVIEW RANCHOS 1 SUBDIVISION. THEY ARE REQUESTING A MOVE OF THE LOT LINE TO THE SOUTH 10' TO MEET THE COUNTY SET BACK REQUIREMENT FOR AN EXISTING GARAGE ON THE SOUTH ½ LOT #7.

Jim Noorlander is present. Mylar is provided. No ordinances in the subdivision are affected by this move. He is dedicating 10' of his lot to the adjoining property so that property can be in compliance with the setback code the County sets. The original land developer of the subdivision had the road at 30' wide, but in fact the width is 60'. The garage is on the lot line and doesn't have a set back. Through the surveying of this change, the lot lines in the subdivision have been marked correctly. Motion is made by Nate Palmer to approve a lot line adjustment of 10' to the South on the lots between the south ½ lot #7 and lot #8 to meet the county set back requirement. Motion is seconded by Paul Rasmussen. Motion passes.

SCOTT OLSEN, ZONING ADMINISTRATOR: DISCUSSION OF WATER REQUIREMENTS IN SUBDIVISIONS

Scott Olsen is present. Cliff Green from the community is present. Mr. Olsen told of the potential problems with subdivisions and water rights being proofed if the lots don't sell or aren't improved within a number of years. He presented information he has learned from the State in regards to water rights proofing and how this affects how the County approves subdivisions. In subdivisions with more than one or two lots the water number is recorded on subdivision plat. This doesn't guarantee the water will still be there if the water is not proofed up. The County ordinance requires a landowner to prove they have current allocated water when they apply for a building permit. A subdivision has to be metered and the report sent to the State. The State has been doing subdivision notices for every individual who does a subdivision since 1991. All of the water right information are on computers, so they can access what stage the water is at. The state is now considering taking away the water rights because the proofing (certification from a certified engineer that the water is being used as allocated) of the water isn't current. Extensions for another 5 years could be applied for after the first 5 years, because the water rights haven't been used yet.

There are two different kinds of water rights. Appropriated - An irrigation company has surface water and they transfer it for underground use. If the water doesn't get proofed up timely and doesn't receive an extension, the water goes back to the original water company owner. If an Irrigation Company owns the water originally they can take full ownership. They are then not required to honor the water right. Certificate - Water that is on wells, they transfer the water to the subdivision. The certificated owner keeps ownership, but it goes back to the original location if it's not used timely and is taken away. Mr. Frischknecht commented on the State scrutinizing the water rights because the water in the state is being over allocated so the state is trying to balance the water. Mr. Olsen explained further, if a subdivision developer puts water in every lot, even though the lots don't sell or use the water, it can still be proofed upon. The County recognizes it as a County subdivision and water is piped to every lot. The County ordinance places the responsibility on the owner to proof the water. Discussion ensued about water rights on lots in subdivisions and subdivisions subdivided. Mr. Green from the community informed the members of his situation that he has with his lots that haven't sold and the water rights on them.

Mr. Stewart suggested as part of the next work meeting, the board discuss and review the requirements of water rights in the subdivision ordinance.

APPROVAL OF MINUTES

Motion is made by Mary Anderson to approve the Planning Commission minutes of January 9, 2013 with no corrections. The motion is seconded by Joe Nielson, and the motion passes. Motion is made by Leon Day to amend the previous motion and approve the minutes with minor changes. Mary Anderson seconded the motion, and the motion passes.

With no further business before the Planning Commission, motion to adjourn is made by Joe Nielson. The motion is seconded by Paul Rasmussen, and the motion passes.

The meeting is adjourned at 7:50 P.M.

WORK MEETING- GENERAL UPDATE TO THE ORDINANCES

Roads and Subdivision ordinance are discussed. Mr. Day reviewed an objective of the Planning Commission by an Attorney and Goals, Objectives, and Policies from the General Plan. Discuss upgrades on the infrastructure.

Motion to adjourn the work meeting is made by Leon Day. The motion is seconded by Mary Anderson, and the motion passes.

The meeting is adjourned at 8:14 P.M.